

**Exhibit B**  
**Affidavit of Cary Torbert, Jr.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>JEFFERY B. SANFORD,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:06-cv-00327-MHT-DRB</b>
	)	
<b>JAY JONES, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**AFFIDAVIT OF CARY TORBERT, JR.**

<b>STATE OF ALABAMA</b>	)	
	)	
<b>COUNTY OF LEE</b>	)	

**BEFORE ME**, the undersigned authority and Notary Public in and for said County and State at large, personally appeared Cary Torbert, Jr., who being known to me and being by me first duly sworn on oath deposes and says as follows:

1. My name is Cary Torbert, Jr. I am over the age of nineteen and competent to execute this affidavit.
2. I serve as Chief Deputy of Corrections of the Lee County Detention Facility and have obtained the rank of Major. I have worked with the Lee County Sheriff's Office for over 34 years.
3. I am familiar with the Plaintiff Jeffery B. Sanford due to his incarceration in the Lee County Detention Facility.
4. I state affirmatively that I neither acted, nor caused anyone to act, in such a manner as to deprive the Plaintiff of any right to which he was entitled.
5. It is the policy of the Lee County Sheriff's Office that members of the Detention Center staff receive and answer any written grievances or requests made by inmates to the Sheriff,

Chief Deputy Sheriff, or Detention Center personnel. All properly submitted nonmedical request forms are answered, and a copy is placed in the inmate's inmate file. All medical request forms are forwarded to the medical staff to be answered, and a copy of the answered request form is filed in that inmate's medical file. The Plaintiff was aware of the request procedure as evidenced by the request forms he has filed that were answered and are present in his inmate file.

6. Requests for medical attention, telephone calls, or other matters must be made in writing on an Inmate Request Form. An exception exists for requests of an emergency nature which will be handled immediately without a written request. Inmates housed in the Lee County Detention Center will be furnished with Inmate Request Forms for the purpose of stating their requests or grievances in writing. Detention Center personnel are charged with the responsibility of receiving and forwarding these forms to the proper authority at any time they are offered a completed form by an inmate. The officer receiving the request form is to answer the request if possible. If that officer is unable to answer the request, he is to forward it to the appropriate individual and/or up the chain of command until the request is answered. If the request form is directed to a particular officer, the officer receiving the request will forward the request to the officer to whom the request is directed. If the officer to whom the request is directed is not on duty that day, the request will be addressed on that officer's next scheduled working day.

7. I have never received any request form from the Plaintiff concerning any of the allegations made the basis of his Complaint. Further, the Plaintiff has never even verbally complained to me of any of the alleged conditions. In fact, the Plaintiff and I have never had any conversation regarding the alleged conditions.

8. Internal grievance procedures at the Lee County Detention Facility are available to all inmates. It is the policy of the Lee County Sheriff's Office that inmates are permitted to submit grievances and that each grievance will be acted upon.

9. All inmates are provided access to a Lee County Detention Center Inmate Handbook. A copy of this handbook is placed in each cellblock for inmates to review whenever they wish. The inmate handbook states that an inmate may report a grievance on an inmate request form. Grievances are first answered by the appropriate staff at the lowest level in the chain of command. The inmate handbook also states that if the inmate is not satisfied with the first answer to his grievance, the inmate may appeal all the way up the chain of command, up to the Sheriff, who will make the final decision.

10. I have never received a grievance from the Plaintiff concerning any of the allegations made the basis of his Complaint. Per Lee County Sheriff's Office policy, an inmate has the opportunity to appeal any grievance to me if he were not satisfied with the response at the lower levels in the chain of command. The Plaintiff has not appealed any grievance to me. Accordingly, the Plaintiff has failed to exhaust his administrative remedies at the Lee County Detention Center.

11. The Plaintiff was aware of the method for submitting grievances. All properly submitted grievances are answered, and a copy is placed in the inmate's inmate file. Upon my review of the Plaintiff's inmate file, there are no grievances concerning the allegations made the basis of his Complaint.

12. It is the policy of the Lee County Sheriff's Office that inmates incarcerated in the Lee County Detention Center are provided with a nutritionally adequate diet.

13. Inmates are served three meals each day at regularly scheduled times. At least two of these meals are hot and there is no more than 14 hours between the evening meal and breakfast.

14. All meals are served at the appropriate temperature as soon as possible after they are prepared.

15. Consideration is given to texture, color, flavor and appearance in food preparation.

16. The Lee County Detention Facility menus are reviewed regularly by a registered dietician to ensure that inmates are provided with a nutritionally adequate diet.

17. Lieutenant Ray Roberson, the Assistant Jail Administrator, is in charge of overseeing the Lee County Detention Facility meal program.

18. It is the policy of the Lee County Sheriff's Office to maintain a healthy environment within the Lee County Detention Center for the benefit of both inmates and the Detention Center staff.

19. The Lee County Detention Facility is air controlled. There is return air from the outdoors throughout the facility at all times. In fact, there are two vents in every cell. In the event that condensation forms on the floors of the Detention Facility, the inmates are given access to mops as well as flip-flops to use.

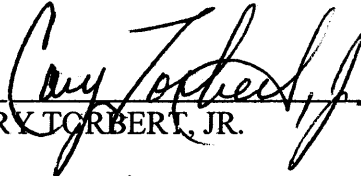
20. There is no lead paint in the Lee County Detention Facility. All paint used in the Detention Facility is oil-based.

21. Inmates have access to Clorox and water every day so that they may clean their living areas. Further, the inmates are provided with germicide which is designed especially to combat mildew. The Lee County Detention Facility uses a steam sanitizer on a regular basis to clean the shower areas of the Facility.


22. I have complied with all policies and procedures of the Lee County Detention Facility. I am not aware of nor have I authorized or allowed any deviation from said policies and procedures.

23. All Lee County Detention Center records attached to the Special Report are true and accurate copies of jail documents kept by me in the ordinary course of my business. I am the custodian of these records.

24. I swear, to the best of my present knowledge and information that the above statements are true, that I am competent to make this affidavit and that the above statements were made by drawing from my personal knowledge of the situation.

  
CARY TORBERT, JR.

**SWORN TO** and **SUBSCRIBED** before me this 1 day of August, 2006.

  
NOTARY PUBLIC  
My Commission Expires: 2-7-09